

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR



THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

MEMORANDUM

TO: Intermediate and Local Directors of Special Education and
Public School Academies

FROM: Lauren S. Harkness, Administrative Law Judge
Office of Administrative Law

DATE: March 12, 2004

RE: Special Education Hearing Officers and Michigan Department of Education (MDE)
Hearing Officer Appointment Process

The enclosed hearing officer vitae/information is being provided to update current information. The MDE does not approve hearing officers. Anyone may serve as a hearing officer, as long as that individual is found to be mutually acceptable by the parties. The MDE, however, does sponsor hearing officer training. The individuals listed in this document are those who completed the MDE's initial training in 1998 under IDEA 1997, (see part 5b of the attached procedures) many of whom had extensive prior experience. This information is provided to you under Rule 340.1724a(3) which states:

Each public agency shall keep a current department-developed and department-distributed list of the persons trained as hearing officers according to procedures established by the department who serve as hearing officers. This list shall be provided to parents upon any request for a hearing. The list shall include a statement of qualifications of each of the listed persons.

This list may be duplicated as necessary for parents who request special education due process hearings.

Attachment A of the vitae, is a chart of the initial training and annual seminars attended and hearings held by each of the individual hearing officers. This will provide you with useful information for mutual selection of a hearing officer.

Attachment B is the Office of Administrative Law procedures for local hearing officer appointments when the mutual selection process between school and parent parties fails.

Attachment C is the administrative rule language that shortens the period for mutual selection to 5 business days in expedited hearing matters.

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608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324

If you have any questions about this material or seek to have the MDE appoint a hearing officer, please contact me at (517) 373-8369.

Enclosures

cc: Hearing Officers

MICHIGAN DEPARTMENT OF EDUCATION

HEARING OFFICER INFORMATION

Training date indicated in bold represents those on the MDE appointment list

<u>Contact Information</u>	<u>Last Trained*</u>	<u>Vita</u>
Laura Athens , J.D., M.S.W. 30741 Tanglewood Trail Farmington Hills, MI 48331-1270 <u>work</u> : (248) 661-0801 <u>fax</u> : (248) 661-0802 <u>home</u> : (248) 661-0849	2003	Currently an attorney and mediator in private practice. Presenter on special education issues to parent and professional groups. Hearing Officer and Mediator for MI Department of Career Development, Rehabilitation Services. Past experience includes teaching education law, health law and bioethics at Wayne State Univ. Law School; Visiting Assistant Professor at Washington Univ. School of Law; federal judicial clerk for a U.S. District Court Judge in the Eastern District of MO; social work practitioner in an urban hospital. Member of the Oakland Co. Bar Assoc. Inn of Court, Solo and Small Firm and Alternative Dispute Resolution Center. (as of 1/04)
Lyn Beekman , Esq. Special Education Solutions 2139 Commons Parkway Okemos, MI 48864-3987 <u>work</u> : (517) 381-8909 <u>fax</u> : (517) 381-8086 <u>home</u> : (517) 349-1709 E-mail: spedsolutions@msn.com	2003	An attorney with Special Education Solutions, a center specializing in the resolution of special education disputes. He represents neither parents nor school districts. Experience includes serving as legal counsel to parents/ students for 15 years and thereafter, school districts for 10 years regarding special education and Section 504 matters; co-authored Michigan's Mandatory Special Education law and many of its rules; served as Chairperson of the State Board's Special Education Delivery System Task Force. Has trained hearing officers in 43 states. Has served as a hearing officer since 1977 in over 400 cases, a state review officer in 3 states, a mediator, compliance officer and arbitrator. (as of 1/04)
Elizabeth Berman 2252 Burcham Drive East Lansing, MI 48823 <u>work</u> : (517) 349-4121 ext-118 <u>fax</u> : (517) 349-4356 <u>home</u> : (517) 349-1681	2003	Of Counsel, LaPointe & Assoc. Ph.D. in special education, J.D., Cooley Law School. Retired January, 2002, as assistant superintendent, Livingston Educational Service Agency. Previous experience includes teaching students with mental disabilities, administration of special education programs and services and adjunct faculty at MSU. Has served as a hearing officer since 1978. (as of 1/04)

<u>Contact Information</u>	<u>Last Trained</u>	<u>Vita</u>
<p>Joseph C. Bird STARK, REAGAN & FINNERTY, P. 1111 W. Long Lake Road #202 Troy, MI 48098-6310 <u>work:</u> (248) 641-9955 <u>fax:</u> (248) 641-9921</p>	<p>1998 abeyance 1/ inactive 2</p>	<p>Graduated from U of M with a degree in psychology/anthropology; also received a J.D. from Wayne State Univ. Has experience in all types of litigation, from personal injury and disability claims to divorce and general commercial litigation. Since 1989, served as a neutral mediator in Oakland Co., MI assisting lawyers in settling their clients' cases while they are pending in the court system. Since approximately 1989, served as a Commercial Arbitrator in many different types of cases. In 1994 was appointed to the American Arbitration Assoc. Employment Panel as a neutral Arbitrator. Is certified by the National Board of Trial Advocacy. Recently completed the MI Special Education Training program focusing on IDEA, its 1997 Amendments and pertinent regulations. (as of 12/00)</p>
<p>James S. Bonner, Ed.D. 716 Ruddiman Drive North Muskegon, MI 49445 <u>day/evening:</u> (231) 744-0933 <u>fax:</u> (231) 744-0933</p>	<p>2003</p>	<p>Local District Director, Special Education (all major disability areas); Director of Education and Support Services, Rivendell Adolescent Psychiatric Hospital; Director, Regional Dispute Resolution Center (under MI Supreme Court Administrative Office); Adjunct Professor, Western MI Univ.; mediator of conflict resolution; field coordinator at Grand Valley State University and parent of an L.D. son. (as of 1/03)</p>
<p>Vicki L. Brennan 380 N. Main Street Clawson, MI 48017 <u>work:</u> (248) 583-0016</p>	<p>1998 abeyance 1/ inactive 2</p>	<p>Received Juris Doctorate from Wayne State Univ. in June of 1980 and has been practicing law in the State of MI since December 1, 1980. Her practice consists mainly of representing plaintiffs in workers' compensation litigation. Also involved in extensive trial work, as well as handling cases through all phases of appeal. Served as an Adjunct Member of the Workers' Compensation Appeal Board, writing decisions on de novo review of cases on appeal from the Workers' Compensation Board of Magistrates. Served as a School Board member for the Ferndale Public Schools from July 1989 to the present. Participated in a four day Special Education Hearing Officer Training course provided by the Michigan Department of Education (MDE) in November of 1998. (as of 11/99)</p>

Contact Information**Last Trained****Vita**

Steven C. **Camron**, J.D.
 1210 Meadowbrook
 Ann Arbor, MI 48103
day: (517) 265-1682
fax: (517) 263-2890
 scamron@mail.lisd.k12.
 mi.us

2003

Employed since 1977 as Coordinator of Planning, Monitoring & Data Collection, at Lenawee Intermediate School District (ISD), Adrian, MI. Undergraduate degree from Eastern MI Univ. teaching emotionally impaired. Juris Doctorate from Univ. of Toledo Law School. Hearing Officer since 1985. Part-time graduate level university lecturer in special education law. Experienced trainer. (as of 1/04)

Dolores M. **Coulter**, J.D.
 6169 Pebbleshire Drive
 Grand Blanc, MI 48439
work: (810) 234-2621
home: (810) 695-2635

2003

Currently the managing attorney of the Flint office of Legal Services of Eastern Michigan (LSEM). Previous experience includes the private practice of law and supervising attorney for the MI Protection and Advocacy Services from 1982-1988. Represented students in special education hearings, complaint process, and in federal court, and currently supervises the education law unit at LSEM. Private practice from 1988-1992 focused on representation of nonprofit and governmental agencies. Former member of Statewide Health Coordinating Council, former Chairperson of the Institute of Continuing Legal Education, and board member of various nonprofit agencies in Genesee Co. Graduate of Marygrove College and Harvard Law School. Member of the State Bar of MI and the Genesee Co. Bar Association. (as of 12/99)

Dr. Ingrid L. **Draper**
 15801 Providence Drive
 Unit 12-D
 Southfield, MI 48075
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fax: (248) 552-3971
 e-mail: idraper@iopener.net

1998
 abeyance 1/
 inactive 2

Former Executive Director, Office of Specialized Student Services, Detroit Public Schools. Retired in 1996. Associate Director, Urban Special Education Leadership Collaborative. Former adjunct faculty, Wayne State Univ.; Marygrove College; Merrill Palmer Institute, Univ. of MI-Dearborn, Concordia College, Ann Arbor. Staff/Facilitator, Critical Issues in Special Education Summer Institutes, Graduate School of Education, Harvard Univ., Cambridge, MA. (as of 1/03)

James M. **Flaggert**
 Rhoades McKee
 161 Ottawa, N.W., Suite 600
 Grand Rapids, MI 49503
daytime: (616) 235-3500
night: (616) 676-9583
fax: (616) 459-5102

2003

Presently partner in the law firm of Rhoades McKee, Grand Rapids, MI, with representation of clients in special education area. Also visiting professor of school law, Grand Valley State Univ. Hearing Officer in special education matters since 1973. Member, Board of Directors, MI Assoc. of Special Education Hearing Officers. (as of 1/04)

Contact Information**Last Trained****Vita**

Charles G. Gale
 Attorney at Law
 30740 Kirk
 Franklin, MI 48025
work: (248) 737-5970
fax: (248) 737-5970

1998
 abeyance 1/
 inactive 2

An attorney with 30 years' experience in litigating, mediating, and deciding a broad spectrum of civil actions. Has a Martindale-Hubbell rating of AV, which is the highest rating for legal ability and integrity. Currently a contract Administrative Law Judge with the MI Unemployment Agency. (as of 11/01)

Gregory J. Kocab
 35846 Old Homestead Drive
 Farmington Hills, MI 48335
work: (313) 224-8805
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home: (248) 474-1127
 home fax: (248) 474-0525

2003

Currently employed as the Judicial Assistant to the Wayne Co. Circuit Ct. Training and education includes completion of annual MDE Special Education Hearing Officer training seminars (1998-2003), and attendance at April 2002 seminar sponsored by Spec Ed Solutions, entitled "Dilemmas in Dealing with Disputes," and award of following degrees: J.D. - Univ. of Detroit School of Law (1980); M.A. - Indiana Univ. (1976) and B.A. - Univ. of Detroit (1974). Member of the State Bar of MI and Oakland Co. Bar Ass'n. Other professional activities include neutral case evaluator for the Mediation Tribunal Assoc. (serving Wayne Co. Circuit Ct) (1988-present (inactive)) and Oakland County Circuit Ct. (1991-present (inactive)), and member of the Farmington Hills Zoning Board of Appeals (1991-2000) (chairperson 1995, 1998). (as of 1/04)

Steven A. Kohler, J.D.
 Attorney at Law
 32605 W. 12 Mile Road
 Suite 200
 Farmington Hills, MI 48334
work: (248) 324-2620
fax: (248) 324-2610
 cell: (248) 877-2370

1998
 abeyance/
 inactive

A practicing attorney for the past 18 years and current practice focusing primarily on general civil, commercial and business litigation. Is a qualified neutral case evaluator with the Mediation Tribunal Assoc. and the Oakland Co. Circuit and District Courts. Is an active member of the Oakland Co. Bar Assoc. and is past chairman of its District Court Committee. Also a member of the American Bar Assoc. and a volunteer mediator with the 46th, 48th, and 51st District Courts, and serves as a volunteer attorney with the Southfield Legal Aid Program which assists individuals seeking legal advice and counsel. (as of 1/03)

Contact Information**Last Trained****Vita**

Jason D. **Kolkema**, J.D.
 JOHNSON, ROSATI,
 LaBARGE, ASELTYNE &
 FIELD, P.C.
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 Lansing, MI 48917
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2003

Municipal defense attorney with the law firm Rosati, LaBarge, Aseltyn & Field, P.C., in Lansing, which provides representation to cities, townships, counties and a variety of municipal clients, including community mental health boards and county medical care facilities. Practices primarily in the areas of civil rights litigation, employment law, special education law, personal injury and zoning in both state and federal courts. Experience also includes advocacy and consultation to parents regarding mental health and special education matters. Previously served on Board of Directors of Autism Society of MI. Member of the State Bar of MI, Ingham Co. Bar Assoc. and various disability organizations. (as of 1/03)

Sidney **Kraizman**
 KRAIZMAN &
 KRAIZMAN
 615 Griswold Street
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 Detroit, MI 48226-3902
work: (313) 961-7078
fax: (313) 961-3832
home: (248) 553-4341
e-mail: kraizmans@aol.com

2003

Attorney in private practice from 1970 to the present. President of the MI Chapter of the Alexander Graham Bell Assoc. for the Deaf and Hard of Hearing (Michigan A.G. Bell) 1986-1988; past and current Chairman of the Michigan A.G. Bell Speech and Language Summer Camp 1987-2004; past and current Chairman of the Michigan A.G. Bell Early Hearing Detection and Intervention Committee 1993-2004; lecturer at seminars sponsored by the Division on Deafness, A.G. Bell; member of numerous special education organizations and committees. Currently a State Level Hearing Officer. (as of 1/04)

Frances **LaPlante**
Sosnowsky, Ed.D.
 Division of Policy and
 Administrative Studies
 385 Education
 Wayne State University
 Detroit, MI 48202
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fax: (313) 577-1693
e-mail: ab7014@wayne.edu

2002 E

Associate Professor and Chair, Educational Administration and Policy Studies Unit, Division of Administration & Organizational Studies, College of Education, Wayne State Univ. Hearing Officer since 1985. Formerly, Director of Consulting and Related Services, Macomb ISD. She established the Macomb ISD Multidisciplinary Diagnostic Center. For 23 years she served as Director, Pre-School & Assessment Center Service. She also established and served as Director of the MISD Infant Pre-school Program (early intervention for infants and toddlers, 0 - 3 years of age), and as Part H administrator. Previous positions include elementary teacher and consultant for speech and language services for the Detroit Archdiocesan Schools (6 county area). Academic background includes: EdD, Wayne State Univ.; Med., Marygrove College; AA and BS, Marywood College (PA). (as of 11/01)

Contact Information**Last Trained****Vita**

Sharon L. **LaPointe**, Esq.
 LaPointe & Associates
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 Okemos, MI 48864-3987
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e-mail:
 lapointe.sharon@acd.net

2003

Currently attorney with LaPointe & Associates in Okemos. Educational background includes MA in clinical psychology and specialist degree in school psychological services. Past professional experience includes 10 years as school psychologist. Previously, adjunct instructor at CMU in the area of education for the learning disabled and presently adjunct instructor at NMU and SVSU in the areas of IDEA and §504. Has served as legal counsel and workshop presenter for both school districts and parents on special education issues. Also services as a hearing officer in special education due process hearings. Previously served on the Michigan Department of Education ADHD Task Force, Quality Assurance and Alternative Assessment Sensitivity Review Committees and as legal consultant to Part C (Early On) grant on procedural safeguards. Past president of Child and Family Services of MI, Inc., Capitol Area and the Capitol Area ADD Network. Co-editor of the *OP News* and author of *Ways Through the Maze: Section 504 and ADA*. (as of 1/03)

Frank D. **McAlpine**
 Attorney at Law
 712 Abbott Road
 East Lansing, MI 48823
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 McAlpineel@msn.com

2003

Licensed attorney in Michigan and California, practicing for 25 years. General litigation and appellate practice. Admitted to the U.S. Court of Appeals for the 6th Circuit, and U.S. Supreme Court. General practice, insurance defense, plaintiff's personal injury (past 15 years), extensive litigation and appellant experience. (as of 1/04)

Contact Information**Last Trained****Vita**

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 sed_mcclenne@on
 line.emich.edu

2003

Ph.D., 1973, Univ. of MI. Professor Emeritus of Special Education, Eastern MI Univ. Currently teaches online as Adjunct Professor for EMU. Previous experience includes special education teacher (with MI endorsements in Mentally, Emotionally and Visually Impaired), program administrator, and school psychologist. As a licensed psychologist in MI, provides psychological consultation and psycho-educational evaluations of children and adults with all types of disabilities. Serves as Supervising Psychologist for Family and Neighborhood Services and for the Developmental Disabilities Unit of The Guidance Center (both in Wayne Co). Has held national office in American Assoc. on Mental Retardation and is a Fellow of that organization. Holds membership in Council for Exceptional Children, Autism Society of MI, Autism National Committee, MI Women Psychologists, Learning Disabilities Assoc., & International Assoc. for Alternative and Augmentative Communication, among others. Has been Consulting Editor for the journals *Mental Retardation* and *Teaching Exceptional Children*. Has written book chapters and articles for professional journals and has made many presentations on educational and psychological issues. Is author of *Social Skills for Adults with Severe Retardation* (1980, Research Press), *Adapted Sequenced Inventory of Communication Development* (1989, Western Psychological Services), and *Cognitive Skills for Community Living* (1991, Pro-Ed). (as of 1/04)

Contact Information**Last Trained****Vita**

Andrew M. **Mudryk**
 Attorney at Law
 Arizona Center for
 Disability Law
 3839 N. Third Street
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 Phoenix, AZ 85012
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e-mail:
 AMMudryk@aol.com

2000
 abeyance 1/
 inactive 2

Legal Director at the Arizona Center for Disability Law (ACDL), where he provides leadership, management, and supervision to the legal and advocacy staff at Arizona's Protection and Advocacy System, which includes a Special Education Team. Before joining the ACDL, was owner of a small firm in Ann Arbor, MI representing plaintiffs in employment discrimination cases; wrote appellate briefs, and served as a freelance legal editor for the Institute of Continuing Legal Education (ICLE); was also appointed to act on an ad hoc basis as a hearing referee at the Michigan Department of Civil Rights. Graduated *magna cum laude* from Wayne State Univ. in Detroit with degrees in French and Political Science in 1986 and with honors from the George Washington Univ. Law School in Washington, D.C. in 1989. Successfully litigated hundreds of cases, including discrimination complaints against large employers. Before starting his own practice, he was an executive legal editor and program attorney at ICLE, where he wrote and edited many publications and planned most of ICLE's courses related to litigation and employment law. He also co-wrote a chapter on attorney fees in a MI Trial Lawyers Assoc. book on employment law, and wrote a chapter on "Discrimination Against Gay, Lesbian, Bisexual and Transgender Employees" in a book published by Michigan Protection & Advocacy Service (MPAS). Also is a frequent speaker on issues related to the Americans with Disabilities Act. (as of 01/04)

Davida Pappas
 693 West Hancock
 Detroit, MI 48201
phone: (313) 831-4020

2003

Served as president of the MI Assoc. of Special Education Hearing Officers from 1986 to 1997. Past experience includes 15 years in advocacy and advocacy training. Served on the boards of two retarded citizens (ARC) organizations and on the board of the Physically Impaired Assoc. of MI. Served as a mediator for 10 years with the MI Special Education Mediation Services and is currently a state level hearing review officer. (as of 1/03)

Contact Information**Last Trained****Vita**

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fax: (248) 557-8169
evening: (734) 676-6420
e-mail:
 pstier@concentric.net

1998
 abeyance 1/
 inactive 2

Practices in the following areas of law: Juvenile, Domestic Relations, Criminal, Personal Injury and Probate. Professional Associations: Special Education Hearing Officer through the MDE; Criminal Advocacy Program Certification through Detroit Records Ct., 1989 to present; Juvenile Law Certification through Wayne Co. Circuit Ct., 1997 to present; Probate and Mental Health Law Certification through Wayne Co. Probate Ct., 1997 to present. Member of State Bar of MI, 1987 to present; Federal Bar, 1992 to present; Juvenile Law Section; Family Law Section; Negligence Law Section; General Practice Section. Education: Detroit College of Law, Juris Doctorate 1987; Central MI Univ., B.A. History and Journalism, 1983. (as of 11/00)

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phone: (734) 483-4335
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 Wawrzasz@online.
 Emich.edu

2003

B.S. Univ. of the State of N.Y., Ed. M. Boston Univ., Graduate Study U of M., MI State Univ., Training in Technology for the Handicapped, Telesensory Instruments Inc., Palo Alto, CA, M.I.T. and the Univ. of Pittsburgh. Special Training in the area of the visually impaired, Perkins Institution for the Blind, Boston. Hearing officer training, MDE. Annual updates for State Review Officers, special training in Part H. Experience includes: Teacher, Housemaster-Perkins Institute for the Blind, Boston. Teacher and Administrator, Jackson Public Schools, Professor and Dept. Head, Dept. of Special Education, Eastern MI Univ. (Retired) Trustee and President of the Board, Hemophilia of MI and St. Francis Home for Boys, (currently St. Francis Family Services). Evaluator of programs for the multi-handicapped, Great Lakes Regional Resource Center, Member of MI State Board of Education, Research, Evaluation and Assessment Services Commission. Served as a local level hearing officer for 25 years and as a State Level Review Officer for 17 years. Involved in approx. 170 hearings during his tenure at both hearing levels. Author of seven articles in the field of general education, special education, educational administration and clinical and consulting psychology. (as of 11/00)

Contact Information**Last Trained****Vita**

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 Lansing, MI 48933
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 tewoods@earthlink.net

2003

Attorney in private practice in Lansing (1980) and presently an ad hoc Administrative Law Judge with the Department of Environmental Quality (2002) and certified facilitative mediator (2001 - present). Experience includes serving as a case evaluator with the Ingham, Clinton and Gratiot Co. Circuit Courts, (1987- present); ad hoc hearing officer with the Dept. of Civil Service (1996-2000); Special Assistant Attorney General (2001); General Counsel of the MI Senate (1969-76); ad hoc hearing officer - Dept of Licensing and Regulation (1976-77); Chairman and Executive Director of the MI Crime Victim Compensation Board (1977-80); Referee MI Dept. of Civil Rights (1981-90); AB, MA Notre Dame (1964, 1965); J.D. Univ. of MI (1968). Admitted in all state and federal courts in MI, the U.S. Court of Appeals Sixth Circuit and the U.S. Supreme Court. (as of 1/04)

Vicki **Wozniak**
 82 Charter Court
 Manistee, MI 49660
 (231) 398-0365
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 vickiwozniak@msn.com

2003 E

Currently is a retired educator. She has been a special education hearing officer since 1982 and a special education mediator since 1986. She has extensive experience in hearings, mediations, labor relations and complaint investigations. She has a Masters in Education in special education and is certified as a teacher of the learning disabled, a teacher consultant, a work-study coordinator, a curriculum resource consultant, a director of special education and a central office administrator. She coordinated the first state-initiated project for training of Parent Advisory Committees and has served on several state committees, including 2 on adaptive technology. Her work history includes: teacher of the emotionally impaired in a residential/day treatment facility in Toledo, OH; curriculum resource consultant and Director of Special Education, Alpena-Montmorency-Alcona ISD; and Director of Special Education, Director of Staff and Community Relations and Superintendent, East Lansing Public Schools. She has also previously worked part-time for Lansing Schools in negotiations, grievances and labor relations. (as of 1/04)

* 1 = no annual hearing
 officer seminar
 attendance

2 = no current hearing
 officer assignments

E = excused from training

ATTACHMENT 'A'

The following attended the 1998 Department Hearing Officer training and are qualified as hearing officers under the new Department of Education procedures. Those indicated with an * were trained as a hearing officer and held hearings prior to 1998 under the old procedures as well. In order to be qualified to be appointed by the Department when parties cannot mutually agree to a selection, a person must have attended the most recent training update. ***Was trained as a Hrg Officer Prior to 1998**

<u>Name</u>	<u>Training Updates Attended</u>						<u># of Local Level Hearing Appointments/Assignments</u>						<u>Date of last hrg assigned</u>
	1998	1999	2000	2001	2002	2003	1998	1999	2000	2001	2002	2003	
*ATHENS, Laura	X	X	X	X	X	X	0	1	0	3	5	1	2/4/03
*BEEKMAN, Lynwood	X	X	excused	X	X	X	29	26	32	19	53	30	11/4/03
*BERMAN, Elizabeth	X		excused	X	excused	X	4	3	2	2	3	3	10/20/03
BIRD, Joseph	X												
*BONNER, James	X		X	X	X	X	0	0	0	1	1	1	11/4/03
BRENNAN, Vicki	X	X											
*CAMRON, Steven	X	X	X	X	X	X	2	2	1	5		8	12/1/03
COULTER, Dolores	X	X	X	X	X	X			1	2			3/29/01
*DRAPER, Ingrid	X												
*FLAGGERT, James	X	X	X	X	X	X	19	33	44	36	25	15	11/17/03
GALE, Charles	X												
KOCAB, Gregory	X	X	X	X	excused	X			2	2	11	2	8/19/03
KOHLER, Steven	X												
KOLKEMA, Jason	X		X	X	X	X			3	3	3	2	7/14/03
*KRAIZMAN, Sidney	X	X	X	X	X	X	1	6	6	3	2	1	11/21/03
KRAUS, John Jr.	X												
LANE, Lisa	X	removed 2/2000 per her request											
*LaPLANTE-SOSNOWSKY Frances	X	X	X	excused	excused					1			3/14/01

<u>Name</u>	<u>Training Updates Attended</u>						<u># of Local Level Hearing Appointments/Assignments</u>						<u>Date of last hrg assigned</u>
	1998	1999	2000	2001	2002	2003	1998	1999	2000	2001	2002	2003	
* LaPOINTE , Sharon	X		X	X	X	X	2	5	5	9	5	2	12/1/03
McALPINE , Frank	X		X	X	X	X				3	6	2	12/4/03
* McCLENNEN , Sandra	X	X	X	X	excused	X	1	0	1	2		1	12/9/03
MUDRYK , Andrew	X		X	removed 1/03 per his request									
* PAPPAS , Davida	X	X	X	X	X	X		1	1	1	3	3	11/3/03
* SOSNOWSKY , William removed 1/03 per his request	X	X	X	excused	excused		2	6	2	3			11/12/01
STIER , Paul	X												
* WAWRZASZEK , Frank	X	X	X	X	X	X	6	6	3	3	1	3	6/18/03
WOODS , Thomas	X	X	X	X	X	X			2	5		11	10/1/03
Wozniak , Vicki				X	excused	excused	3	5	4	2	7	10	11/24/03
TOTAL	28	15	19	19 2 excused	19 6 excused	17 1 excused	69	94	109	105	120	95	

Procedures for the Appointment of Local Special Education Due Process Hearing Officers



*Office of Special Education and
Early Intervention Services*

March, 2003

STATE BOARD OF EDUCATION

KATHLEEN N. STRAUS – PRESIDENT • SHARON L. GIRE – VICE PRESIDENT
CAROLYN L. CURTIN – SECRETARY • HERBERT S. MOYER – TREASURER
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THOMAS D. WATKINS, JR.
SUPERINTENDENT OF PUBLIC INSTRUCTION

“Show me how this helps teachers teach and children learn.”
MICHIGAN DEPARTMENT OF EDUCATION DECISION MAKING RULER - 2001



**MICHIGAN DEPARTMENT OF EDUCATION
Office of Administrative Law**

SUBJECT: Procedures for Appointment of Local Special Education Due Process Hearing Officers

The current applicable administrative rule implementing the Revised School Code provisions governing Special Education (MCL 380.1701 et seq.; MSA 15.41707 et seq.) regarding appointment of hearing officers is AC 1979, R 340.1724a. It states:

Rule 24a.(1) The superintendent of the public agency shall contract for the services of an impartial hearing officer who is mutually agreeable to both parties or who has been appointed by the department. If the parent and the public agency cannot agree on a hearing officer within 14 calendar days following the hearing request, then the superintendent shall immediately request that the department appoint an impartial hearing officer according to procedures established by the department.

(2) A hearing shall not be conducted by an employee or board member of the involved local school district, of another local school district within the same intermediate school district, of a public school academy within the same intermediate school district, or of the intermediate school district of which the involved local school district is a part.

(3) Each public agency shall keep a current department-developed and department distributed list of the persons trained as hearing officers according to procedures established by the department who serve as hearing officers. This list shall be provided to parents upon any request for a hearing. The list shall include a statement of qualifications of each of those persons.

The rule allows selection of hearing officers either by mutual consent of the parties or by appointment by the Michigan Department of Education (Department) in the event that the parties are not able to reach agreement. (Hearing officers chosen by mutual consent need not appear on the Department's list of trained hearing officers.) The following procedure will be followed to implement this rule.

Procedure: Michigan Department of Education, Office of Administrative Law-Appointment of Impartial Special Education Due Process Hearing Officers under R 340.1724a.

Parties' Responsibilities

1. The school district shall provide a copy of this procedure and a copy of the Department's list of trained hearing officers to all parties upon receipt of the request for hearing. When a hearing officer is chosen by mutual consent, the parties are not required to limit their selection to hearing officers appearing on the Department's list of trained hearing officers.
2. Within one business day after receipt of any request for hearing, the school district shall mail or fax to the Department a copy of the request showing the date the request was received.

3. Within 14 calendar days after the date of the receipt of the request for a hearing, the school district shall file with the Department and serve on all parties written notice of one of the following: (a) The name, address and telephone number(s) of the hearing officer selected by the parties; or (b) The date of the hearing request and a statement that the parties have not been able to select a hearing officer by mutual agreement. This written notice of non-selection shall be accompanied by a list of individuals proposed for selection, but rejected by either of the parties. This notice must include names, addresses, and phone numbers of the parties to this hearing request.
4. If the written notice required by paragraph 3 is not filed within the required time limit, the Department shall appoint a hearing officer in compliance with R 340.1724a.

Department's List of Trained Hearing Officers

5. Qualified individuals satisfying all of the following requirements will be included in the Department's list of trained hearing officers:
 - (a) Satisfied minimum education, experience and communication skill requirements as determined by the Michigan Department of Education.
 - (b) Completion of MDE sponsored training in the Individuals with Disabilities Education Act 1997 first given in November of 1998 or study of the videotape and written materials pertaining to that training.
 - (c) Completion of annual Department-sponsored or endorsed in-service training.
 - (d) Beginning September 30, 2001, completion of at least one local level hearing to decision or to stipulated dismissal within the prior 24 months.

Selection and Appointment

6. The choice of a hearing officer will be made without regard to the hearing officer's fees for services. Hearing officers, however, must list their fees with the Department prior to inclusion in the list of trained hearing officers. They must also provide, in writing, updates of those fee statements at least annually.
7. Selection will be made without regard to geographical location or distance factors.
8. Persons otherwise eligible will not be considered for assignment if:
 - (a) they were proposed and rejected during the school district's and parents' earlier attempts to reach mutual agreement unless the parents and school parties have exhausted all hearing officers on the trained hearing officer list. In such an event, the Department shall appoint a hearing officer without regard to previous consideration by either party;
 - (b) the hearing officer had previously communicated a temporary inability to serve on hearing cases;
 - (c) Exclusion would be prudent because removal proceedings were pending under paragraph 15 or 16 or both.
9. Appointment shall be made on an alphabetical rotation, however, the beginning point on the rotation shall be determined by a one-time blind lottery.

10.
 - (a) The Department shall identify the next individual on the rotation who is neither disqualified nor ineligible under these procedures, and confirm his/her availability. If that candidate is unavailable, the Department will confirm the availability of the next individual on the rotation who is neither disqualified nor ineligible. This process will be repeated until a hearing officer is appointed or until the list is exhausted.
 - (b) Upon the next appointment of a hearing officer, the rotation shall begin with the first name following the last appointed hearing officer.
11. For demonstrated emergency situations (such as all listed hearing officers are unavailable, ineligible or disqualified), the Department may waive annual training requirements and give deference to experiential factors in the appointment process.

Notice

12. The Department will, where possible, contact the respective parties by telephone to notify them of the appointment.
13. A letter of appointment verification will be sent certified mail by the Department to the appointed hearing officer, with copies to the respective parties.
14. The hearing officer shall:
 - (a) supply the Department, within 2 days following the grant of any extension of timelines, with written documentation of any extension of hearing timelines including the party's written request, the number of days involved and a determination of good cause.
 - (b) supply two copies of the hearing decision to the Department. The first copy shall contain all personal identifiers. The second copy shall have all personal identifiers deleted.
 - (c) report the cost of completing (b) above as part of his/her fee to the district.

Removal

The Department may, under specific circumstances, withhold or remove a hearing officer from the list of eligible hearing officers.

15. Temporary Inactive Status
 - (a) Hearing officers, against whom a formal complaint has been made, will be placed on an inactive status list until the specific allegation has been examined and resolved.
 - (b) Beginning September 30, 2001, hearing officers who have not completed one local hearing within the 2 past calendar years and participated in the department-sponsored/endorsed annual hearing officer in-service will be held in abeyance until they satisfy these requirements.
 - (c) Hearing officers may request inactive status.

16. Removal

- (a) Hearing officers, against whom allegations are made regarding misconduct or partiality, that are substantiated by the State Level Review Officer or a court of competent jurisdiction, may be removed from the list of trained hearing officers at the discretion of the Department.
- (b) A hearing officer who has failed to complete a hearing within the required time limit without promptly filing with the Department specific time extensions supported by a party's written request and by a written determination of good cause for the extension may be removed from the list of trained hearing officers at the discretion of the Department.
- (c) Hearing officers in abeyance status, who have not completed state requirements after one year, may be removed from the list of trained hearing officers at the discretion of the Department.
- (d) Hearing officers may request their names to be removed.

If you have any questions or concerns regarding the above, please feel free to contact Ms. Lauren S. Harkness, Administrative Law Judge, Office of Administrative Law at (517) 373-8369.

ATTACHMENT C

R 340.1724c Expedited hearings.

Rule 24c. (1) The expedited hearing process shall be a 1-tier hearing process. The superintendent or chief executive officer of each public agency shall contract for the services of a mutually agreed upon impartial special education hearing officer within 5 business days of receipt of a written request for an expedited hearing.

(2) If the parties to an expedited hearing cannot mutually agree on the selection of an impartial special education hearing officer, then the public agency shall request the department to immediately appoint a special education hearing officer from the current department-developed and department-distributed list of the persons who serve as hearing officers as required by R 340.1724a(3).

(3) Expedited hearings shall address only those issues of disagreement relating to any of the following:

(a) A determination that a student's behavior was not a manifestation of the student's disability.

(b) A decision regarding the provision of an appropriate interim alternative educational setting.

(c) Seeking an interim alternative setting for not more than 45 days for a student who may demonstrate potential harmful or injurious behavior to himself, herself, or others.

(4) The parties to an expedited hearing shall, within 5 business days before the hearing, provide the other party with a list of potential witnesses and any documents to be used as evidence, including, but not limited to, any pertinent evaluations and recommendations.

(5) The special education hearing officer has the authority to rule on a request to bar any evidence to be used in an expedited hearing not disclosed to the other party at least 5 business days before the expedited hearing only when the introduction of evidence is disputed by the other party.

(6) The special education hearing officer shall render and mail a final decision to all parties within 45 calendar days after the receipt of the written request for an expedited hearing from the superintendent or chief executive officer or his or her designee without exceptions or time extensions.

(7) Any party to the expedited hearing who is aggrieved by the decision of the hearing officer may appeal the decision to a court of competent jurisdiction.

History: 1987 MR 6, Eff. July 1, 1987; rescinded 1990 MR 8, Eff. Aug. 18, 1990; 2002 MR 11, Eff. June 6, 2002.